

8W

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/976,837	WOJTKIEWICZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Fenn C Mathew	3764	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/01/05.
2. ☒ The allowed claim(s) is/are 29,32-49 and 51-58.
3. ☒ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

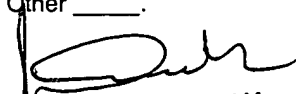
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>03/01/05</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                               | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

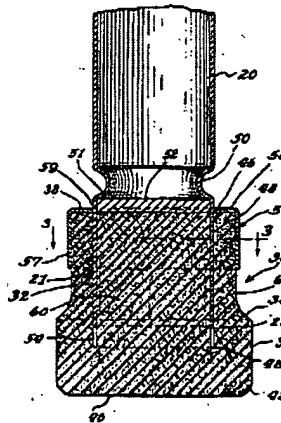
  
**JEROME W. DONNELLY**  
 PRIMARY EXAMINER

### DETAILED ACTION

This action is responsive to the after-final amendment filed on March 1, 2005. The amendment has been entered. Claims 36, 45, 46, and 53 have been amended.

### *Allowable Subject Matter*

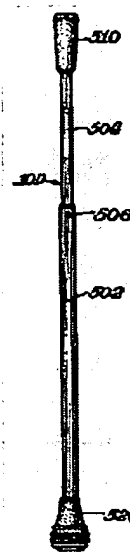
1. Claims 29, 32-49, and 51-58 are allowed. The following is an examiner's statement of reasons for allowance: Prior art pogo sticks having tips are well known in



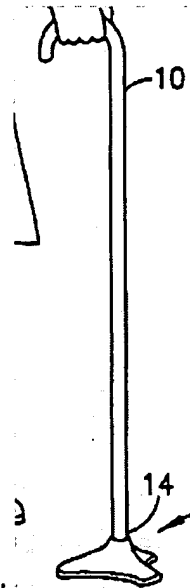
the art. Matsuda (U.S. 3,731,920) as pictured discloses a bottom tip for a pogo stick, the pogo stick of the type comprising a first and second tubular member, a handle, and a footrest. Matsuda further teaches a tip disposed on the lower end having a lower surface adapted to contact a ground surface, and a stabilizer (30) releasably coupled to the tip. Matsuda fails to teach or make obvious a coupler disposable within the opening of the stabilizer and removably coupled to the stabilizer, with the coupler including a body portion and a lip formed on one end of the body portion, the lip adapted to mechanically engage the tip when the tip is disposed within the opening. Matsuda further fails to teach the coupler including a first and second portion removably coupled to one another and disposed on the second ground

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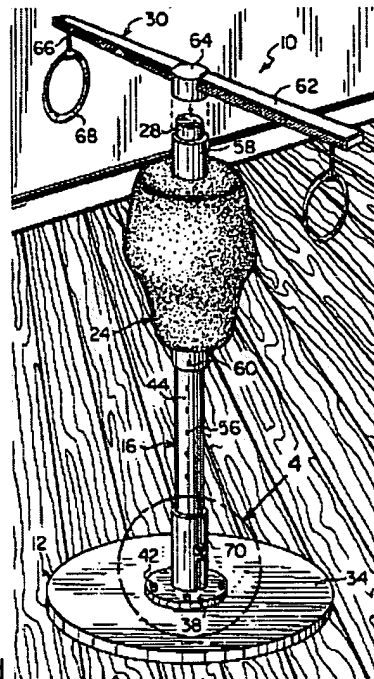
engaging member and the second ground engaging member having a recess formed in an upper surface to receive the first ground engaging member.



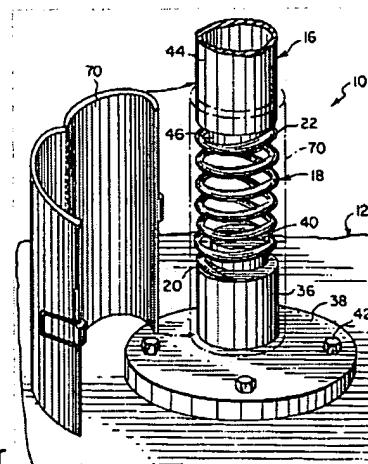
2. Wilkinson (U.S. 5,788,608) as pictured teaches a stick that may be used for pogo type exercise including a first and second coaxial tubular member. Wilkinson fails to teach or make obvious a footrest disposed on the lower member. Wilkinson also teaches a tip disposed on the lower end having a lower surface adapted to contact a ground surface, and a stabilizer releasably coupled to the tip. Wilkinson fails to teach or make obvious a coupler disposable within the opening of the stabilizer and removably coupled to the stabilizer, with the coupler including a body portion and a lip formed on one end of the body portion, the lip adapted to mechanically engage the tip when the tip is disposed within the opening. Wilkinson further fails to teach the coupler including a first and second portion removably coupled to one another and disposed on the second ground engaging member and the second ground engaging member having a recess formed in an upper surface to receive the first ground engaging member.



3. Greene et al. (U.S. 6,131,593) as pictured teaches a walking stick including an enlarged tip. Greene fails to teach a footrest, and further fails to teach or make obvious a coupler disposable within the opening of the stabilizer and removably coupled to the stabilizer, with the coupler including a body portion and a lip formed on one end of the body portion, the lip adapted to mechanically engage the tip when the tip is disposed within the opening. Greene further fails to teach the coupler including a first and second portion removably coupled to one another and disposed on the second ground engaging member and the second ground engaging member having a recess formed in an upper surface to receive the first ground engaging member.



4. Puranda (U.S. 5,899,835) as pictured teaches a device including a handle and a footrest as broadly construed. Puranda also teaches a coupler including a first and second portion removably coupled to one another

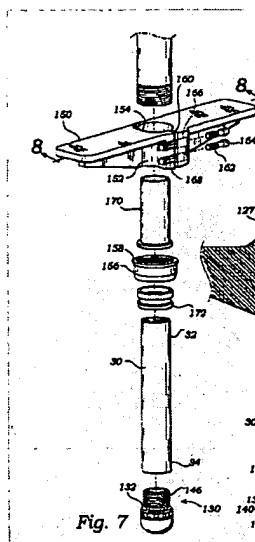


and disposed on the second ground engaging member but

fails to teach or make obvious the second ground engaging member having a recess formed in an upper surface to receive the first ground engaging member. Puranda also fails to teach or make obvious a coupler disposable within the opening of the stabilizer and removably coupled to the stabilizer, with the coupler including a body portion and a

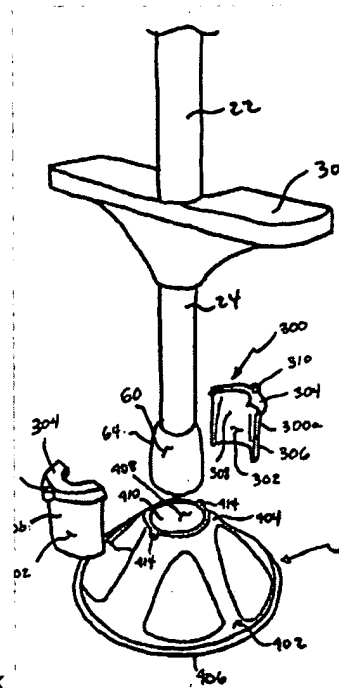
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lip formed on one end of the body portion, the lip adapted to mechanically engage the tip when the tip is disposed within the opening.



5. Herman (U.S. 6,503,177) as pictured teaches the general state of the art, but fails to teach or make obvious a coupler disposable within the opening of the stabilizer and removably coupled to the stabilizer, with the coupler including a body portion and a lip formed on one end of the body portion, the lip adapted to mechanically engage the tip when the tip is disposed within the opening. Herman further fails to teach the coupler including a first and second portion removably coupled to one another and disposed on the second ground engaging member and the second ground engaging member having a recess formed in an upper surface to receive the first ground engaging member.

JEROME W. DONNELLY  
PRIMARY EXAMINER



6. The prior art of record fails to teach a pogo stick including a tip, a coupler having a first and second portion removably coupled to one another, the coupler including a body portion and a lip formed on one end of the body portion, the lip adapted to mechanically engage the tip when the tip is disposed within the opening, nor a recess formed on the upper surface of the second ground engaging member to receive the first ground engaging member (tip).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C Mathew whose telephone number is (571) 272-4978. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*fcm*

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March 9, 2005